

REMARKS

Claims 1-19 are pending in the present application. In the Office Action, claims 1-3, 7-12, and 16-19 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Ward, et al (U.S. Patent Publication No. 2003/0029383). The Examiner's rejections are respectfully traversed.

Claims 1, 10, and 19 set forth determining a precision metric associated with each of a plurality of metrology tools. For example, metrology monitor 140 may assign a precision metric to each of the metrology tools 200, 210, 220 based on collected feedback regarding the accuracy of the metrology tools 200, 210, 220. See Patent Application, page 10, ll. 16-18 and Figure 2. Claims 1, 10, and 19 also set forth generating a metrology request including context information and identifying a precision requirement for the metrology request based on the context information. The context information could directly include the precision required for the metrology data, or alternatively, the precision requirements may be inferred from the type of metrology event requested. For example, the context information could include a table that indicates that control actions require a precision of 5%. See Patent Application, Table 1 and related discussion. Claims 1, 10, and 19 further set forth identifying a set of the metrology tools capable of satisfying the metrology request based on the precision requirement and the precision metrics.

In contrast, Ward describes performing qualification jobs on one or more processing tools. For example, the qualification jobs may involve processing a lot of wafers through the tool and measuring the processed lot of wafers in a metrology chamber. Quality of service parameters (e.g. CpK values) associated with the one or more processing tools are then calculated based on the measurements performed in the metrology chamber. See Ward,

paragraph [0067]. However, Ward is completely silent with regard to determining a precision metric associated with each of a plurality of metrology tools. Ward is also completely silent with regard to generating a metrology request including context information and identifying a precision requirement for the metrology request based on the context information. Accordingly, Ward does not describe or suggest identifying a set of the metrology tools capable of satisfying the metrology request based on the precision requirement and the precision metrics.

For at least the aforementioned reasons, Applicants respectfully submit that the present invention is not anticipated by Ward and request that the Examiner's rejections of claims 1-3, 7-12, and 16-19 under 35 U.S.C. 102(e) be withdrawn.


In the Office Action, claims 4-6 and 13-15 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ward in view of Purdy, et al (U.S. Patent No. 6,790,686). The Examiner's rejections are respectfully traversed.

Applicants respectfully submit that Purdy is only available as prior art under 35 U.S.C. 102(e). According to MPEP §706.02(1)(1), "effective November 29, 1999, subject matter which was prior art under former 35 U.S.C. 103 via 35 U.S.C. 102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention 'were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.' " The present application was filed on or after November 29, 1999. Furthermore, the present application and Purdy were, at the time the present invention was made, owned by the same entity or subject to an obligation of assignment to the same entity. Thus, Applicants respectfully submit that Purdy is not available as prior art in any obviousness determination. Applicants respectfully request that the Examiner's rejections of claims 4-6 and 13-15 under 35 U.S.C. 103(a) be withdrawn.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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